

I am opposed to the addition of the digital broadcast flag. I do not believe it is needed to encourage distribution of digital programming. In addition I do not believe it is desirable. I am very skeptical of the claims put forth in the BPDG Final Report as to the noninterference with consumers' ability to make copies for personal use.

It seems to me inevitable that any broadcast flag compliant equipment will allow a consumer to perform only a subset of all legal copying activities. In particular I am skeptical that such equipment would allow the consumer to fully exercise his fair use rights. In particular the rights to experiment with variations of copyrighted materials and to make transitory copies if retained only temporarily.

In addition I am fearful that the broadcast flag would restrict the existing rights of Section 108 libraries and educational institutions.

Existing laws already cover copyright infringement and there is no need to add additional technical safeguards.